

COMMITTEE ON JUSTICE AND PUBLIC SAFETY
(Standing Committee of Berkeley County Council)

Chairman: Mr. Milton Farley, District No. 1

Members: Mrs. Judith K. Spooner, District No. 2
Mr. William E. Crosby, District No. 3
Mr. Charles E. Davis, District No. 4
Mr. Steve M. Vaughn, District No. 5
Mrs. Judy C. Mims, District No. 6
Mr. Caldwell Pinckney, Jr. District No. 7
Mr. Henry L. Richardson, District No. 8
Mr. James H. Rozier, Jr., Supervisor, ex officio

The COMMITTEE ON JUSTICE AND PUBLIC SAFETY, Standing Committee of Berkeley County Council, met on Monday, December 10, 2001, in the Assembly Room of the Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 6:05 p.m.

PRESENT: Mr. Milton Farley, Councilmember District No. 1, Chairman; Mrs. Judith K. Spooner, Councilmember District No 2; Mr. William E. Crosby, Councilmember District No. 3; Mr. Charles E. Davis, Councilmember District No. 4; Mr. Steve M. Vaughn, Councilmember District No. 5; Mrs. Judy C. Mims, Councilmember District No. 6; Mr. Caldwell Pinckney, Jr., Councilmember District No. 7; Mr. James H. Rozier, Jr., Supervisor ex officio; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk to County Council. Mr. Henry L. Richardson, Jr., Councilmember District No. 8, was excused from this Committee Meeting.

The requirements of the Freedom of Information Act have been complied with by posting the time, date, place and copy of Agenda of this Committee meeting of Berkeley County Council at the entrance to the Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, and a copy of such notice was mailed to all Councilmembers and the News media.

Chairman Farley called the meeting to order; Councilmember Pinckney led in the invocation; and Councilmember Crosby led in the Pledge of Allegiance to the Flag of the United States of America.

Chairman Farley stated Ms. Marietta Hicks would speak in reference to additional information in regard to Berkeley County Rural Fire Departments.

Ms. Hicks stated she was present as a taxpayer of Berkeley County and she felt that she has the right to question how taxpayers' monies are spent. She addressed the spreadsheet distributed to the Committee and stated that all of the information she had acquired has gone through freedom of information letters addressed to Legal and she has paid for every copy, or she has directed her questions to Rembert Wrenn, Fire Commissioner.

The first column is the ISO ratings for each fire department in the County as of 11/30/01. For example, Huger has a 6/9; the 9 represent the areas that do not have enough water supply. So, the whole district is not a 6, only the part that has enough water. The column labeled "tax dollars" is money the fire departments get from the \$50 fire fees. The next column is money that comes out of the General Fund. Under the column labeled "Sangaree", she found that on June 30, 2001, Sangaree Special Tax District paid \$40 per home whereas the rest of the County pays \$50. She stated they also pay 80 percent of the commercial rate versus the other commercial properties in the County, which pays 100 percent. Ms. Hicks stated the column with the one percent fire premium is restricted money but there are some fire departments that are eligible. She stated that because this is a great deal of money that is going to the fire departments she has requested a copy of the audits, which is on the second page. Letters went to the 26 fire departments and she received one tonight. Ms. Hicks stated she would like to compile the information and show that there are fire departments that need money. She stated she was fighting more for the smaller departments than anything else and would be the first to pay the additional fees if she knew it would be spent wisely. According to the County bylaws of the Board of Directors, "the Fire Board is to maintain an accurate and an up-to-date record of all financial transactions in status of all accounts and funds of the department. Maintain all books and records in accordance with generally accepted county principles. In addition, the Board of Directors will insure that an annual audit be conducted and a copy of the report submitted to the Berkeley County Advisory Rural Fire Control Board prior to September 30 of each year. The audit may be conducted by an in-house auditing committee or an outside auditing firm."

Ms. Hicks solicited questions at this time. Councilmember Spooner asked how much more would the money be for Sangaree if they got the full \$50. Ms. Hicks stated she had the number according to the houses; and asked that if the fire fees went up, would Sangaree be required to pay the same amount as the other taxpayers in the County?

Supervisor Rozier stated each fire department has a contract with the residents they serve; the others have a standard fee across the County.

Mr. Stokes stated that as a matter of contract law it could be whatever is set by contract. As a matter of constitutional law and equal protection someone may have an argument that it's in violation. Supervisor Rozier indicated Mr. Stokes may be asked to look at that.

Councilmember Spooner stated it's probably done on millage as opposed to a fee per house. Ms. Hicks stated she does have a copy of an invoice from C&B Fire Department that shows they charge \$40 per house. She stated that by January 1 she would have the audits and would be happy to present those to Council if they are interested.

Supervisor Rozier stated he was not on the agenda but if there was no objection he would like to respond to a letter he received by fax December 10, 2001, that was sent to the Post & Courier. Supervisor Rozier read the letter into the record as follows:

"Dear Editor

Once again in Berkeley County we the residents have a situation that was cause by the total lack of due dalliance on the part of the current administration. When the supervisor of Berkeley County started the 911 and EMS system. It is apparent that no follow up on the impact to the county was being done over the years and the information that the dispatch center had gather has been ignored. Then again with the supervisor admission of having secret meeting cut of the public view and off the record. It is the lack of information from the current administration that causes these problems with in the county. This money problem would not had surface if not for the concern of the vary firefighters that put there lives at risk every day coming to the aid of all who need them. Berkeley county fire dept. started out providing service to put out house fires and with a call to the fire stations, they would roll out. That all changed when all calls were directed to the 911 call center. The call center in doing their job in dispatching the fire depts. to support for the EMS as first responders. Are continuing to perform an excellent rescue mission with their limited budget. But after years of struggling to make monies stretch to cover unfunded rescues. It has finely caught up with the fire Dept. of Berkeley County and in coming to County Council, asking for a commitment of help for funding only four members have shown support. The supervisor has said on many occasions that Berkeley County has on money. I find that a little strange in seeing that in the year 2000 financial audit shows a budget ordinance voted on by council of 40,478,369 and a total expenditures of 43,524,369. It is apparent that 3,046,000 is missing from the budget ordinance that council voted on and we have to see that what is being hid from the public eye is spent wisely and if this money can be used to help the fire dept. Berkeley County has a smoking budget that the fire dept. cannot put out, But I think that due process will. So lets stand behind the firefigths of our County and demand due process of our tax dollars.

With regards,
Charlie E. Davis
Berkeley County Council
Dist. Four”

(A copy of this letter is attached hereto.)

Supervisor Rozier stated, “first of all the Supervisor didn’t start the 911 and EMS Systems, and County Council expanded those opportunities.” Councilmember Spooner stated that was started before she came on board. They had a Commission similar to the Rural Fire Board that was in place when she came on in 1981. Supervisor Rozier stated his main point is that County Council doesn’t give him the opportunity to start those things without their vote.

Supervisor Rozier continued, in reference to the statement “that no follow up on the impact to the County was being done over the years and the information that the dispatch center had gathered had been ignored.” He stated, “I submit to you that the Sheriff’s Department is three and a half times the size it was 11 years ago; the dispatch didn’t exist in its current state 11 years ago and is about four times the size it was when started; EMS has 10 stations when they only had two, they had a couple of volunteers but only two paid ones. The fire fee went from nothing in some places to \$25, and from \$25 to \$50 in all places.” In regard to the statement, “it

is the lack of information from the current administration that causes these problems within the county”, all public meetings are advertised, the minutes are made available, there were no secret meetings. Supervisor Rozier stated there was a meeting with four to five Fire chiefs, two Councilmembers and him. That was not a public meeting; it did not have a quorum of any organization as that makes public policy. He stated two reporters and a couple of television stations came and he told them they could wait if they wanted but were not invited in to the meeting. “If that’s a problem somebody has to explain to me what the problem is—it was not a public meeting.” He stated they were trying to do some work that didn’t need to be hung out at that point and he chose not to. One thing he agrees with and that is, “the fire departments are continuing to perform an excellent rescue mission with their limited budget.” However, some of the budgets have concerns. The letter indicates that only four members have shown support for the fire departments. He would say that the whole of Council, prior to some members that are on today, but several members today voted for a million dollar Training Center that was funded by this County Council. When the firemen came with their most recent request, he didn’t see a single person on this Council make a motion to do anything.

Supervisor Rozier stated the most interesting part of the letter is the statement, “the budget ordinance was \$40,478,369 and a total expenditures of \$43,524,369”. He stated, “we took in \$40 million and spent \$43.5 million but we are supposed to have \$3.5 million left some where. I think it’s the opposite way around, if you spend more than you took in then the \$3.5 million didn’t exist.” Budgeted revenues are operations and capital items. “We don’t budget for C-funds, which totals about a million and half a year that is spent on roads in Berkeley County. We don’t budget for Sheriff’s grants, Library grants, Airport grants, which is about a million dollars. We don’t budget for DSS, Clerk of Court grants, Solicitors and EMS grants, and I can assure you that those came in over three million dollars that weren’t shown in the budget but get spent; and they are voted on by this County Council.” He stated he didn’t know of a single Councilmember that has voted against one of those grants.

Certainly the budget in the amount of \$43,524,369 includes all of those grants but the budget ordinance does not. He stated that it makes perfect sense to him that prior to someone writing a letter to a newspaper they might want to check their facts and get some information that is correct. If anyone has any questions about the budget of Berkeley County, it is a public document. Supervisor Rozier stated he would be happy to sit down with anybody at any time and go through it.

Supervisor Rozier stated it was also brought up that the St. Stephen Park received \$102,000 from Berkeley County. They did not receive a dime from Berkeley County; they received \$72,000 from the St. Stephen Telephone Company. Part of the telephone company’s revenues is paid to the State of South Carolina to be invested in infrastructure to create jobs. If they invest infrastructure to create jobs that’s fine, if not, they pay it to the State of South Carolina in taxes. Since that program came out the County has passed through over a million dollars to industry for water, sewer, roads, etc., to create jobs. The \$72,000 was a pass-thru for infrastructure in the St. Stephen Park. Supervisor Rozier concluded, “I’m appalled at this kind of activity.”

Councilmember Spooner asked was the EMS Budget an enterprise fund? Supervisor Rozier stated EMS is budgeted, it doesn't cover the expenses, but the 911 funds come from the telephone bills.

Councilmember Crosby asked the Supervisor to respond to the budgeting mistake. Supervisor Rozier stated the money mistake is tied up in the grants; the County has a clean audit. He stated you don't budget for grants that you are not sure about getting. Grants come in during the year and when the opportunity presents itself Council votes to accept or not to accept.

It was moved by Councilmember Crosby to adjourn and seconded by Councilmember Vaughn. The motion to adjourn passed by unanimous voice vote of the Committee.

The Meeting adjourned at 6:30 p.m.

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There will be a Meeting of the COMMITTEE ON JUSTICE AND PUBLIC SAFETY, Standing Committee of Berkeley County Council, on Monday December 10, 2001, in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina, at 6:00 p.m.

AGENDA

- A Ms. Marietta Hicks, Re: Additional information in regard to Berkeley County Rural Fire Departments.

December 5, 2001
S/Barbara B. Austin
Clerk of County Council